



Senate

File No. 1009

General Assembly

January Session, 2009

(Reprint of File No. 471)

Senate Bill No. 1078
As Amended by Senate Amendment Schedule
"A" and House Amendment Schedule "A"

Approved by the Legislative Commissioner
May 28, 2009

**AN ACT ESTABLISHING A BI-STATE LONG ISLAND SOUND
COMMISSION.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) The General Assembly
2 hereby finds that Long Island Sound is a precious and sensitive natural
3 resource providing the states of Connecticut and New York with a
4 source of environmental beauty, marine resources, transportation,
5 industry and recreation. Said states share ownership and stewardship
6 of Long Island Sound. Decisions of one state may impact directly or
7 indirectly on the residents of the other state. Significant projects may
8 require approval from state or local agencies in both states. Proposed
9 projects to address energy supply and energy demand of both states
10 potentially affect Long Island Sound. Cooperative planning to address
11 such energy supply and demand would greatly reduce the impact of
12 such proposed projects on Long Island Sound. The waters and
13 industrial uses of the lower Hudson River Valley similarly affect the
14 quality of Long Island Sound.

15 (b) There is established a Bi-State Long Island Sound Commission

16 which shall consist of the Governors of the states of Connecticut and
17 New York, or their designees, and in addition, seven members who are
18 residents of Connecticut and seven members who are residents of New
19 York. The seven Connecticut members shall be appointed to two-year
20 terms as follows: (1) One appointed by the Governor, (2) one
21 appointed by the president pro tempore of the Senate, (3) one
22 appointed by the majority leader of the Senate, (4) one appointed by
23 the minority leader of the Senate, (5) one appointed by the speaker of
24 the House of Representatives, (6) one appointed by the majority leader
25 of the House of Representatives, and (7) one appointed by the minority
26 leader of the House of Representatives. The Governors of the states of
27 Connecticut and New York, or their designees, shall serve as
28 cochairpersons of said commission, ex-officio, unless the commission
29 members select other chairpersons by majority vote. In no event shall
30 the cochairpersons be from the same state.

31 (c) Said commission shall (1) review and consider major
32 environmental, ecological and energy issues involving Long Island
33 Sound and the lower Hudson River Valley, provided the commission's
34 review and consideration of issues involving the valley shall be limited
35 to issues in the valley that affect Long Island Sound, (2) seek consensus
36 on strategies and policies concerning such issues, and (3) make
37 recommendations for administrative and legislative action to
38 implement such strategies and policies. Said commission shall meet
39 not later than October 1, 2009, and not less than quarterly thereafter, at
40 a time, date and place to be determined by the cochairpersons.

41 (d) Said commission shall be within the Department of
42 Environmental Protection for administrative purposes only, and the
43 expenses for said commission shall be borne equally by the states of
44 Connecticut and New York.

45 (e) Nothing in this section shall be construed to supplant or
46 supersede any statutory or regulatory authority of any state or
47 municipal agency concerning projects, policies or activities of said
48 commission.

49 (f) The provisions of this section shall take effect upon enactment by
50 the state of New York of legislation having like effect.

51 Sec. 2. Section 25-140 of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective July 1, 2009*):

53 The committee may make such recommendations as may be
54 necessary to effectuate the purposes of this part, except for any major
55 environmental, ecological or energy issue involving Long Island
56 Sound and the lower Hudson River Valley that is under review by the
57 Bi-State Long Island Sound Commission established pursuant to
58 section 1 of this act. In furtherance of its responsibilities under this
59 part, the committee shall coordinate and recommend standardization
60 of all laws relative to Long Island Sound including, but not limited to,
61 standardization of jurisdiction of coastal waters by harbor
62 management commissions, municipal waterfront authorities,
63 municipal conservation commissions, municipal port authorities and
64 municipal shellfish commissions. The committee shall consider the
65 adverse impact any action proposed in or for Long Island Sound may
66 have upon the marine resources of said sound. The committee shall
67 prepare and submit a report to the governors and the legislatures of
68 the respective states on or before February fifteenth, annually.

69 Sec. 3. Section 25-140 of the general statutes, as amended by section
70 3 of public act 05-137, is repealed and the following is substituted in
71 lieu thereof (*Effective upon the enactment by the state of New York of*
72 *legislation having like effect as this section*):

73 The committee may make such recommendations as may be
74 necessary to effectuate the purposes of this part, except for any major
75 environmental, ecological or energy issue involving Long Island
76 Sound and the lower Hudson River Valley that is under review by the
77 Bi-State Long Island Sound Commission established pursuant to
78 section 1 of this act. In furtherance of its responsibilities under this
79 part, the committee may coordinate and recommend standardization
80 of all laws relative to Long Island Sound including, but not limited to,

81 standardization of jurisdiction of coastal waters by harbor
 82 management commissions, municipal waterfront authorities,
 83 municipal conservation commissions, municipal port authorities and
 84 municipal shellfish commissions. The committee shall consider the
 85 adverse impact any action proposed in or for Long Island Sound may
 86 have upon the public trust resources of said sound. The committee
 87 shall prepare and submit a report to the governors and the legislatures
 88 of the respective states on or before February fifteenth, annually. The
 89 report shall make recommendations for legislation regarding proposed
 90 industrialization and private use of public trust resources of Long
 91 Island Sound. In developing such recommendations, the committee
 92 shall seek to (1) avoid, (2) minimize, and (3) mitigate the impacts of
 93 such proposed industrialization and private use of public trust
 94 resources of said sound. For the purposes of this section, "public trust
 95 resources" shall include, but not be limited to, the historic and broad
 96 boating use of said sound by the public, the right of the public to enjoy
 97 and explore the natural beauty of said sound by boat, the rights of the
 98 public and commercial fishermen to harvest fish and shellfish from
 99 said sound, the protection of all natural resources of said sound that
 100 are held in trust by the state for the public, the stewardship and
 101 restoration of sites along the coast of said sound that contain important
 102 habitat or natural resources and the protection of sites that provide
 103 opportunities for public enjoyment of said sound.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	25-140
Sec. 3	<i>upon the enactment by the state of New York of legislation having like effect as this section</i>	25-140

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Environmental Protection	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill replaces the Bi-State Long Island Sound Committee with the Bi-State Long Island Sound Commission; the previously existing Committee never met and no expenses were ever incurred since New York never passed corresponding legislation. Therefore, it is not anticipated that any expenditures for travel or meetings and conferences would be incurred.

The bill could result in a significant cost to the Department of Environmental Protection (DEP) to the extent that the bill requires expenses for the Bi-State Long Island Sound Commission to be borne equally by the states of Connecticut and New York. Travel¹ and meeting or conference expenses would only be incurred to the extent that similar legislation is passed by the State of New York.

Senate "A" narrows the commission's responsibilities concerning certain issues pertaining to the Commission, eliminates language repealing the existing Bi-State Long Island Sound Committee, and limits the committee's responsibilities. These provisions have no fiscal impact.

¹ The current mileage reimbursement rate is \$0.55 per mile.

House "A" makes technical changes which have no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 1078 (File 471, as amended by House "A" and Senate "A")******AN ACT ESTABLISHING A BI-STATE LONG ISLAND SOUND COMMISSION.*****SUMMARY:**

This bill creates a Bi-State Long Island Sound Commission, and it limits the responsibilities of the existing Bi-State Long Island Sound Committee. The commission must:

1. review and consider major environmental, ecological, and energy issues involving (a) Long Island Sound and (b) the lower Hudson River Valley as it affects the Sound;
2. seek consensus on strategies and policies on these issues; and
3. recommend administrative and legislative action to implement the strategies and policies.

The commission takes effect when New York adopts similar legislation. The bill specifies that it does not supplant or supersede the statutory or regulatory authority of any state or municipal agency concerning the commission's projects, policies, or activities.

*Senate Amendment "A" (1) narrows the commission's responsibilities concerning the lower Hudson River Valley to issues in the valley affecting the Sound and (2) reinstates the Bi-State Long Island Sound Committee but limits its responsibilities.

*House Amendment "A" specifies that the governor of each state serves on the commission in addition to the other 14 members.

EFFECTIVE DATE: July 1, 2009, and when New York enacts similar

legislation.

POLICY DECLARATION

The bill finds Connecticut and New York share ownership and stewardship of the Sound, which is a source of environmental beauty, marine resources, transportation, industry, and recreation for both states. Projects proposed for the Sound, including those involving energy supply and demand, potentially affect the Sound, and may require state and local approvals from both New York and Connecticut. Cooperative planning to address energy supply and demand would greatly reduce the impact of these projects. The waters and industrial uses of the lower Hudson River Valley also affect the quality of the Sound.

COMMISSION MEMBERSHIP, MEETING SCHEDULE, AND OTHER PROVISIONS

The commission consists of eight members from each state, including the governors of Connecticut and New York or their designees. The governors, or their designees, are ex-officio co-chair persons unless commission members select other chair persons by majority vote. The co-chair persons cannot be from the same state.

The other seven Connecticut members serve two-year terms. (The term limit apparently does not apply to the governors.) One member each must be appointed by the governor, Senate president pro tempore, Senate majority leader, Senate minority leader, House speaker, House majority leader, and House minority leader.

The commission must meet by October 1, 2009, and at least quarterly thereafter. The co-chair persons must determine the time, date, and place of the meeting. It is not clear how this can occur by this date if New York does not adopt similar legislation.

The commission is in the Department of Environmental Protection (DEP) for administrative purposes only. New York and Connecticut must share the commission's expenses equally.

BI-STATE LONG ISLAND SOUND COMMITTEE

The Bi-State Long Island Sound Committee makes recommendations to protect the Sound's natural resources from the impact of proposed industrialization and private projects. The committee must coordinate and recommend ways to standardize laws concerning the Sound, including standardizing the coastal waters jurisdiction of (1) harbor management commissions and (2) municipal waterfront and port authorities and conservation and shellfish commissions. It also must consider any adverse impact a proposed activity would have on the Sound's marine and public trust resources. The bill relieves the committee of these responsibilities for major environmental, ecological, and energy issues involving the Sound and Hudson River Valley that the commission is reviewing. This provision takes effect on July 1, 2009 and when New York enacts similar legislation.

BACKGROUND***Bi-State Long Island Sound Committee***

The Bi-State Long Island Sound Committee (CGS § 25-138 et seq.) takes effect when New York adopts similar legislation (CGS § 25-142). According to DEP, New York has not adopted such legislation, and the committee has not met.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 31 Nay 0 (03/18/2009)

Government Administration and Elections Committee

Joint Favorable

Yea 12 Nay 0 (04/20/2009)